

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**

JAN 03 2019

Clerk, U.S. District Court  
District Of Montana  
Missoula

RANDY RAYMOND WALLWAY,

Plaintiff,

vs.

MHP OFFICER SCHNEIDER,

Defendants.

CV 17-71-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on November 1, 2018, recommending Defendant's Motion for Summary Judgment be granted and this action be dismissed. (Doc. 26 at 8.) Plaintiff did not object to the Findings and Recommendations and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 26) are ADOPTED IN FULL. Defendant's Motion for Summary Judgment (Doc. 23) is GRANTED and this action is DISMISSED.

DATED this 3<sup>rd</sup> day of January, 2019.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court